

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338 E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed November 16, 2000)
Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan. (U 39 E)	Application 00-11-056 (Filed November 22, 2000)
Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.	Application 00-10-028 (Filed October 17, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
CLARIFYING SCOPE AND ADJUSTING HEARING
SCHEDULE RELATING TO DEPARTING LOAD CUSTOMER ISSUES**

This ruling is issued to clarify the scope and adjust the hearing schedule for issues to be heard in this phase of the proceeding as set forth in the Administrative Law Judge's Ruling dated March 29, 2002 relating to cost responsibility for Direct Access customers. As determined in that ruling, the scope of evidentiary testimony in the proceeding was to include consideration of cost responsibility for Departing Load customers. This ruling provides clarification regarding the scope of legal briefing, the extent of cost responsibility, and augmentation of the evidentiary hearing schedule relating to Departing Load customers, as noted below.

Scope of Legal Briefs

As noted in the March 20, 2002 ruling, briefs are scheduled to be filed on April 22, 2002, on issues relating to the legality of cost responsibility surcharges for Direct Access customers. The ruling, however, did not explicitly specify that the legal issues to be briefed should also address cost responsibility for Departing Load customers. In the interests of a comprehensive record, however, parties are also directed to include in their briefs any legal considerations that would be relevant with respect to assessing cost responsibility surcharges for Departing Load customers. To the extent that there are different legal considerations that would apply to cost responsibility surcharges for Departing Load versus Direct Access customers, parties should identify and address such differences. In addressing any legality issues associated with assessing cost responsibility for either Direct Access or Departing Load customers, parties should explain and define the nature and form of any cost responsibility surcharges that would apply to such legal analysis.

Scope of Cost Responsibility Applicable to Departing Load Customers

As noted in the March 29, 2002 ruling, a stated purpose of the proceeding is to ensure that Direct Access customers pay the full range of costs necessary to avoid shifting costs to utility bundled service customers. The ruling noted that the full range of costs may include those related to generation procurement, such as California Department of Water Resources purchase costs, costs for purchased power from qualifying facilities, costs related to the utilities' retained generation, and other costs as may be identified by parties. In the interests of clarity, the instant ruling confirms that parties are likewise directed to consider the applicability of this full range of costs in determining the appropriate cost responsibility for Departing Load customers.

Adjustment in the Evidentiary Hearing Schedule

This ruling also makes a further adjustment in the schedule for evidentiary hearings in addition to the revision issued on April 3, 2002. In addition to the previously set schedule, evidentiary hearing dates of June 10 and 11 are hereby reserved for the purpose of examination of witnesses whose testimony addresses Departing Load cost responsibility issues. The previously set hearing dates, beginning on June 18, shall be retained for presentation of witnesses whose testimony addresses Direct Access cost responsibility issues.

IT IS RULED that:

1. The scope of issues to be addressed in legal briefs, as previously scheduled in the March 29, 2002 ruling, shall also address any legal considerations that would be relevant with respect to the imposition of cost responsibility charges for Departing Load customers.
2. The scope of costs that are relevant for parties to consider in addressing cost responsibility for Departing Load customers is not intended necessarily to be limited only to California Department of Water Resources costs, but should also include any other relevant costs, including purchased power from qualifying facilities, costs related to the utilities' retained generation, and other costs as may be identified by parties.
3. The previously set evidentiary hearing schedule is augmented to add hearing dates of June 10 and 11, to be reserved for the purpose of examination of witnesses whose testimony addresses Departing Load cost responsibility issues. Evidentiary hearings on Monday, June 10, 2002 shall commence at 9:00 a.m. in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

4. The remaining evidentiary hearing schedule previously set shall remain in effect in all other respects.

Dated April 5, 2002, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Clarifying Scope and Adjusting hearing Schedule Relating to Departing Load Customer Issues on all parties of record in this proceeding or their attorneys of record.

Dated April 5, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.